

REMARKS

The Office Action of April 11, 2008, and the references cited therein have been carefully considered.

Although Applicants are of the opinion that the claims as previously presented are allowable over the references and rejections of record, in order to advance the prosecution, each of independent claims 7-9 has been amended to even more clearly define the invention without, it is believed, changing the intended scope of the claims. More specifically, each of these claims has been amended to even more positively state that the individual rail itself, i.e., the rail that extends into a single heddle eyelet, is formed of two oppositely disposed parts, at least one of which is resilient or resiliently supported.

The rejection of claims 7-9 and 12-16 under 35 U.S.C. §102(b) as being anticipated by the patent to Nussbaum has been noted and is respectfully traversed. Reconsideration is respectfully requested.

The present invention, as defined in each of independent claims 7-9, is directed to a shaft frame having a novel heddle support rail 7 or 8 as shown in FIGS. 4-7. According to the embodiment of the invention shown in FIG. 4, at least one of the two heddle support rails (7, 8) is itself comprised of two rail portions 7a and 7b formed as two spring legs that point away from each other and extend into a single end eyelet of a heddle in order to support a heddle in a resilient manner. Alternatively, according to the embodiment of FIG. 7, at least one of the heddle support rails (7, 8), i.e., the heddle support rail 7, is itself divided into two parts, 51 and 55, with the part 51 being rigidly supported on the beam 46 connected to the frame, and the part 55 being movably mounted on the beam against the force of a compression spring 56. Both embodiments of the single heddle support rail according to the FIGS. 4-7 of the present application, which extend into a single end eyelet of a heddle, will dampen impacts and shocks created by the heddles moving on the heddle rail due to sharp acceleration and deceleration during operation. No such single heddle support rail is taught or made obvious by the Nussbaum patent. In fact, the Nussbaum patent does not even disclose

a two-part support rail as defined in each of claims 7-9, and clearly do not disclose the novel support rail defined in these claims.

The patent to Nussbaum discloses a frame having a pair of heddle support rails 2 (upper and lower) that are fastened to respective support rods 1 by respective flange portions 1a. Each rail 2 is received in a respective separate end eyelet of a heddle to maintain the heddle on the frame in the usual manner. In order to properly retain the heddles on the two rails 2, the rails are mounted so that they are moveable relative to one another, with at least one of the rails 2 being moveably mounted on the flange portion 1a and biased by a spring 9. However, there is no single rail that is formed of two parts that extends into a single end eyelet of a heddle or any resilient portion of a rail itself as required by each of claims 7-9. Note that with the present invention, and regardless of whether the rail includes springlike elements 7a, 7b, as shown in FIG. 4 and recited in independent claims 7 and 8, or a spring-loaded movable member 55, as shown in FIG. 7, the effective height of the individual rail 7 will change with the flexing of the members 7a, 7b, 55. Such is clearly not the case in Nussbaum, which does not disclose any flexible, two-part rail, as required by claims 7-9. Accordingly, it is submitted that for the above-stated reasons, claims 7-9, and claims 12-18 dependent thereon, are allowable over Nussbaum under 35 U.S.C. §102 or §103.

It is further submitted that the limitations of claims 15 and 16 are nowhere found in any of the references, particularly since Nussbaum does not disclose a two-part support rail. Note that claim 15 requires that both portions of a single rail have the recited shape, while claim 16 not only requires that both portions of a single rail have the recited shape, but also requires that one portion of the single rail be rigidly supported while the other is movable. Such is clearly not the case in Nussbaum.

For the above-stated reasons, it is submitted that all of pending claims claims 7-9 and 12-16 are allowable over the art of record and are in condition for allowance. Such action and the passing of this application to issue are, therefore, respectfully requested.

However, if the Examiner is of the opinion that prosecution of this application would be advanced by a personal interview, he is invited to telephone undersigned counsel to arrange for such an interview.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any required fees not otherwise authorized, including application processing, extension, and extra claims fees, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

BY:


Norman N. Kunitz
Reg. No. 20,586

Customer No. 42798

One Lafayette Centre
1120 - 20th Street, NW, Suite 750 South
Washington, DC 20036
(202) 419-7000 (telephone)
(202) 419-7007 (telecopier)
NNK:rk